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| 09/824,248 | 04/03/2001 | Koichi Sato | P20491 | 1314 |

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EXAMINER

JELINEK, BRIAN J

| ART UNIT | PAPER NUMBER |
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2615

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,248

Applicant(s)

SATO, KOICHI

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-10, and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

The Examiner respectfully submits a response to the amendment received on 12/13/2005 of application no. 09/824,248 filed on 4/3/2001 in which claims 9-10, and 12-16 are currently pending.

Arguments

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-10, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (U.S. Pat. No. 6,169,575) in view of Shioji (U.S. Pat. No. 6,466,264).

Regarding claim 9, Anderson ('575) discloses an electronic still camera comprising: a memory (Fig. 3, removable memory 354) that stores a discrete image obtained in a still photographing operation (Fig. 6, Camera Folder 600, Still Images; col.

7, lines 23-26) and that stores, for each of a plurality of discrete images sequentially obtained in a continual still image photographing operation in which the plurality of discrete images are taken at an interval time set by an operator (col. 7, lines 26-30, and 35-40, wherein the timer delay parameter is an operator for setting the interval time), a unique indicator that indicates whether said discrete image was sequentially recorded in the continual still image photographing operation (col. 6, lines 9-15) because the image file tags identify each image of a group of related images by the type of image group and the image position in a sequence of image files, i.e. the image file tags indicate that the image was captured in a burst or time-lapse image sequence.

Anderson ('575) does not disclose a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation; and an image processor that continually reproduces said plurality of discrete images, as a common operation on said plurality of discrete images, at a same interval as that of said continual still image photographing operation when it is determined using said unique indicator that said plurality of discrete images were obtained in said continual still image photographing operation.

However, Shioji discloses a recording medium comprising image signals of different frame rates, wherein a reproducer reproduces the image signals of different frame rates in compliance with the frame rate information (col. 3, lines 28-40). Shioji further discloses a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation (Fig. 10, S61) because the CPU determines a still image reproduction mode or a motion

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image reproduction mode; and an image processor that continually reproduces said plurality of discrete images, as a common operation on said plurality of discrete images, at a same interval as that of said continual still image photographing operation when it is determined using said unique indicator that said plurality of discrete images were obtained in said continual still image photographing operation (col. 3, lines 29-40; col. 1, lines 1-5) because the frame rate information is a unique indicator for indicating that a plurality of discrete images are obtained in a continual still image photography. One of ordinary skill in the art would have reproduced determined and reproduced a plurality of discrete images obtained in a continual still image photographing operation at the same interval as that of the continual still image photographing operation in order to reproduce a desired image signal in compliance with the frame rate detected by the detector at a normal rate (col. 3, lines 41-66). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation; and an image processor that continually reproduces said plurality of discrete images, as a common operation on said plurality of discrete images, at a same interval as that of said continual still image photographing operation when it is determined using said unique indicator that said plurality of discrete images were obtained in said continual still image photographing operation in order to reproduce a desired image signal in compliance with the frame rate detected by the detector at a normal rate.

Regarding claim 10, Shioji discloses that the image processor continually reproduces said plurality of discrete images as the common operation (Fig. 10, S65 Motion Image Reproduce Processing).

Regarding claim 12, neither Anderson ('575) nor Shioji disclose that the image processor to continually delete said plurality of discrete images as the common operation.

However, Official Notice is given that it is old and well known in the art to delete a group of discrete images in order to make more storage space available. As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have configured the image processor to continually delete said plurality of discrete images as the common operation in order to make more storage space available.

Regarding claim 13, Anderson ('575) discloses automatically relating images captured during an image capture to form a user specified time-based group (col. 1, line 56-col. 2, line 3) and identifying the individual image files with indicators, the indicators including the type of group the image files form, and the position in the sequence of image files.

Anderson ('575) does not disclose the determination processor determines whether said plurality of discrete images were obtained in said continual still image photographing operation by reading image recording information recorded for each of said plurality of discrete images.

However, Shioji discloses recording a time sequential group of JPEG images in a motion image file, wherein a header is written comprising frame rate information; and

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detecting the frame rate of a motion image file (Fig. 13, S107; col. 10, lines 47-64). One of ordinary skill in the art at the time of the invention would have provided a header comprising frame rate information; and detecting the frame rate of a motion image file in order to reproduce a time sequential group of JPEG images in compliance with the frame rate detected by the detector at a normal rate (col. 3, lines 41-66). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have configured the determination processor to determine whether said plurality of discrete images were obtained in said continual still image photographing operation by reading image recording information recorded for each of said plurality of discrete images in order to reproduce a time sequential group of JPEG images in compliance with the frame rate detected by the detector at a normal rate.

Regarding claim 14, Shioji discloses the image recording information comprises a continual-image flag recorded in a header area corresponding to an image recording area in which a discrete image is recorded (col. 10, lines 47-64).

Regarding claim 15, Anderson ('575) discloses an electronic still camera, comprising: a recording processor that continually records a plurality of discrete images at a predetermined interval set by an operator in a continual still image photographing operation in which the plurality of discrete images are taken (col. 7, lines 26-30, and 35-40, wherein the timer delay parameter is an operator for setting the interval time); and a memory (Fig. 3, removable memory 354) that stores, for each of said plurality of discrete images, a unique indicator that indicates whether said discrete image was sequentially recorded in the continual still image photographing operation (col. 6, lines

9-15) because the image file tags identify each image of a group of related images by the type of image group and the image position in a sequence of image files, i.e. the image file tags indicate that the image was captured in a burst or time-lapse image sequence.

Anderson ('575) does not disclose that the unique indicator enables the plurality of discrete images to be continually displayed as discrete images at the same interval as that of said continual image photographing operation.

However, Shioji discloses a recording medium comprising image signals of different frame rates, wherein a reproducer reproduces the image signals of different frame rates in compliance with the frame rate information (col. 3, lines 28-40). Shioji further discloses a determination processor that determines whether the plurality of discrete images were obtained in said continual still image photographing operation (Fig. 10, S61) because the CPU determines a still image reproduction mode or a motion image reproduction mode; and an image processor that continually reproduces said plurality of discrete images, as a common operation on said plurality of discrete images, at a same interval as that of said continual still image photographing operation when it is determined using said unique indicator that said plurality of discrete images were obtained in said continual still image photographing operation (col. 3, lines 29-40; col. 1, lines 1-5) because the frame rate information is a unique indicator for indicating that a plurality of discrete images are obtained in a continual still image photography. One of ordinary skill in the art would have reproduced determined and reproduced a plurality of discrete images obtained in a continual still image photographing operation at the same

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interval as that of the continual still image photographing operation in order to reproduce a desired image signal in compliance with the frame rate detected by the detector at a normal rate (col. 3, lines 41-66). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have configured the unique indicator to enable the plurality of discrete images to be continually displayed as discrete images at the same interval as that of said continual image photographing operation in order to reproduce a desired image signal in compliance with the frame rate detected by the detector at a normal rate.

Regarding claim 16, Shioji further discloses an image processor that continually performs a common operation on said plurality of discrete images (Fig. 10, S65 Motion Image Reproduce Processing).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suga (U.S. Pat. No. 6,449,426) discloses a single image sensing mode and a sequential image sensing mode, wherein the user selects a frame rate for sequential imaging, and wherein the sequential image sensing mode sequentially records a plurality of still images.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 9:00 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached at (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
2/9/2006



NGOC-YEN VU
PRIMARY EXAMINER